

OPEN MEETING LAW REQUIREMENTS

*Applicable to Auxiliary Organizations:
A Comparison Summary Chart*

Requirement	Romero Act (Student Body Organizations)	Seymour (Other Auxiliary Organizations)
Coverage	<p>Governing body (“legislative body”) of student body organizations formed or operating under <i>Cal Ed Code § 89300</i>;</p> <p style="text-align: center;">[§89305.1(b)(A)(i)]</p> <p>Governing body of statewide student organization representing CSU students or CSU campus student body organization governing bodies.</p> <p style="text-align: center;">[§89305.1(b)(A)(ii)]</p>	<p>Governing board of an auxiliary organization formed under <i>Cal Ed Code §89900 et seq.</i> except student body organizations.</p> <p style="text-align: center;">[§89920]</p>
Sub-Bodies	<p>Any commission, committee, board, sub-board, or other board created by charter, resolution, or governing body formal action, excluding “advisory committee.”</p> <p style="text-align: center;">[§89305.1(b)(A)(iii)]</p>	<p>Provisions apply to any sub-board of the auxiliary organization governing board.</p> <p style="text-align: center;">[§89920]</p>
Meeting Defined	<p>Congregation of majority membership of governing body or sub-body at same time and place to hear, discuss, or deliberate on item within its purview.</p> <p style="text-align: center;">[§89305.1(b)(B)]</p> <p>“Meeting” does <i>not</i> include:</p> <ul style="list-style-type: none"> • Individual contacts/conversations between a governing body or sub-body member and another person; or • A governing board or sub-body majority attending a noticed public meeting of another governing body or entity, a public conference on general public interest issues, or a purely social or ceremonial occasion, as long as they do not discuss among themselves specific business within its purview. <p style="text-align: center;">[§89305.1(b)(B)(i), (ii) & (iii)]</p>	<p>Provisions do not define the term “meeting.” In general, a meeting is a gathering of a quorum of a body, no matter how informal, where business is discussed or transacted. (<i>61 Ops. Cal. Atty. Gen. 220 (1978).</i>)</p>
Secret Ballots & Semi-closed Meetings	<p>Secret ballots are prohibited.</p> <p style="text-align: center;">[§89305.1(e)]</p> <p>See Note A below on semi-closed meetings.</p>	<p>See Note A below.</p>

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Public Participation at Meetings	<p>Any person may upon request obtain meeting agenda/documents packet. Request process is defined.</p> <p style="text-align: center;">[§89305.7]</p> <p>Every regular meeting agenda shall include opportunity for public to directly address governing body on any item affecting campus or statewide higher education. No action may be taken on such item unless it duly appeared on meeting agenda. Exceptions where a prior sub-body has met and afforded public input.</p> <p style="text-align: center;">[§89306(a)(1)(2)]</p> <p>Special meeting notices shall provide for public comment to governing body or sub-body on meeting agenda items.</p> <p style="text-align: center;">[§89306(a)(3)]</p> <p>Reasonable meeting regulations may limit public participation time limitations on any one agenda item and for each person.</p> <p style="text-align: center;">[§89306(b)]</p> <p>Governing body or sub-body may not prohibit public criticism of body and/or organization.</p> <p style="text-align: center;">[§89306(c)]</p> <p>No meeting shall be held in a facility that prohibits admittance of anyone in a classification protected by law or not free to attain entrance.</p> <p style="text-align: center;">[§89307.2(a)]</p> <p>Meeting notices, agenda, announcements or other required reports need not name any tortuous sexual conduct or child abuse victim or alleged victim unless the person's name has been publicly disclosed.</p> <p style="text-align: center;">[§89307.2(b)]</p>	<p>Any individual or medium shall upon written request receive a meeting notice one week before the meeting date. Meeting notice requests shall be valid for one year unless a renewal request is filed.</p> <p style="text-align: center;">[§89921]</p> <p>All persons are permitted to attend governing or sub-board meetings, unless otherwise provided by these provisions.</p> <p style="text-align: center;">[§89920]</p> <p>No governing or sub-board shall take action on any issue until that issue has been publicly posted for at least one week.</p> <p style="text-align: center;">[§89924]</p>
Notice of Regular Meetings	<p>Governing body or sub-body must annually set time and location(s) for holding regular meetings.</p> <p style="text-align: center;">[§89305.5(a)]</p> <p>A notice and agenda shall be posted in an accessible public place at least 72 hours before each regular governing or sub-body meeting. The agenda must include a general description of each meeting agenda item.</p> <p style="text-align: center;">[§89305.5(b)(1)]</p>	<p>Any individual or medium shall upon written request receive a meeting notice one week before the meeting date. Meeting notice requests shall be valid for one year unless a renewal request is filed.</p> <p>Governing or sub-boards must annually set time and location for holding regular meetings.</p> <p style="text-align: center;">[§89921]</p> <p>Governing or sub-boards shall at least one week before a regular meeting date give written notice of the meeting.</p> <p style="text-align: center;">[§89924]</p>

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Notice of Special Meetings	<p>Written call and notice to each governing or sub-body member and requesting local media at least 24 hours before special meeting called by presiding officer or body majority. Notice must include meeting time, location and agenda.</p> <p>Written call and notice to body members may be dispensed with by filed written waivers before meeting or as to members actually present when meeting convenes.</p> <p style="text-align: center;">[§89306.5(a)]</p> <p>Special meeting call and notice shall also be posted in accessible public location.</p> <p style="text-align: center;">[§89306.5(b)]</p>	<p>Written call and notice (delivered personally or by mail) to each governing or sub-board member and requesting individuals and media, or persons directly affected by the meeting, at least 24 hours before meeting noting time, place and business to be conducted.</p> <p>Notice may be waived in writing by director(s) filed with clerk or secretary before or at special meeting; and is deemed waived by presence at meeting</p> <p style="text-align: center;">[§89922]</p>
Notice of Emergency Meetings	<p>For defined “emergency situations” governing body may dispense with 24-hour notice and posting requirement.</p> <p>1-hour telephone notice to local requesting media required unless service out, then as soon after meeting as possible.</p> <p style="text-align: center;">[§89306.5(c) & (d)]</p> <p>Emergency meetings may not be held in closed session.</p> <p style="text-align: center;">[§89306.5(e)]</p> <p>Otherwise, emergency meetings subject to special meeting notice requirements.</p> <p style="text-align: center;">[§89306.5(f)]</p> <p>Emergency meeting Minutes, with actions taken and roll call votes, together with list of those notified or attempted to notify, shall be posted in a public place as soon as possible after meeting and for at least 10 days.</p> <p style="text-align: center;">[§89306.5(g)]</p>	<p>No “emergency meeting” notice provision, but under “special meeting” provision (see above), the 24 hour notice requirement may be waived by directors under specified circumstances.</p> <p style="text-align: center;">[§89922]</p>
Notice of Sub-Body Meetings	<p>Same as apply to the governing body.</p> <p style="text-align: center;">[§89305.1(b)(1)(A)(iii)]</p>	<p>Same as apply to the governing board.</p> <p style="text-align: center;">[§89921]</p>

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Notice of Closed Sessions <i>General:</i> <i>Liability Claim or Pending Litigation:</i>	<p>Prior to any closed session, the governing or sub-body shall disclose in open meeting, the item(s) to be discussed in closed session by reference to agenda listing.</p> <p style="text-align: center;">[§89307(f)(1)]</p> <p>Through the meeting agenda or by public announcement, the governing or sub-body must identify any closed session to be held, together with the statutory provision authorizing the session. In liability claim or litigation circumstances, either the title of the closed session matter shall also be identified, or a statement included that to do so would thwart service of process or pending settlement negotiations favorable to the organization.</p> <p style="text-align: center;">[§89307(b)(7)]</p>	<p>The governing or sub-board meeting notice and agenda should include reference to any closed session to be held, together with the authority for holding such a session.</p> <p style="text-align: center;">[§89923-24]</p>
Closed Session [Exception to open meeting requirements]	<p>A host of specific exceptions to open meeting requirements are afforded governing or sub-bodies.</p> <p style="text-align: center;">[§89307]</p>	<p>Provisions briefly identify specific matters that may be considered and in some cases acted upon in closed session.</p> <p style="text-align: center;">[§89923]</p>
Basic Requirements	<p>See above for closed session notice requirements.</p> <p>All closed session circumstances must be expressly authorized under the Act.</p> <p style="text-align: center;">[§89307(a)]</p> <p>Only matters stated in open meeting as being the subject of a closed session shall be considered in that closed session.</p> <p style="text-align: center;">[§89307(f)(1)]</p> <p>After closed session, governing or sub-board must reconvene into open session prior to adjournment and make any required disclosures on closed session action(s).</p> <p style="text-align: center;">[§89307(f)(2)]</p>	<p>Only closed session matters expressly enumerated are authorized.</p> <p style="text-align: center;">[§89923]</p>
Real Property Transactions	<p>May be used to advise negotiator on price & terms when property & parties are identified in advance.</p> <p style="text-align: center;">[§89307(a)(1)]</p>	<p>No provision, unless transaction could be classified as an investment decision where public discussion could have a negative impact on the organization's financial situation. See below.</p>

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Liability Claim or Pending Litigation	Express definition of pending litigation, including process for implementation. This exception is the exclusive application of the attorney-client privilege to closed session. [§89307(b)]	May be used to consider matters relating to litigation. [§89923]
Facility or Public Services Threats	May be used to meet with law enforcement representatives on matters posing public services and/or facilities security threat. [§89307(c)(1)]	No provision.
Employees	May be used to consider employee appointment, performance evaluation, discipline or dismissal. [§89307(c)(1)] “Employee” includes an officer, independent contractor functioning as an officer, or an employee, but not elected official, governing or sub-board member, or other independent contractor. [§89307(c)(4)]	May be used to consider matters relating to the appointment, employment, performance evaluation, or dismissal of an employee. “Employee” does not include a person elected or appointed to an office. [§89923]
Quasi-Judicial Deliberations	May be used to hear complaints or charges brought against an employee by another person or employee, unless the employee requests a public session. [§89307(c)(1)]	May be used to hear complaints or charges brought against an employee by another person or employee, unless the employee requests a public hearing. [§89923]
Labor Negotiations	May be used to advise representative on negotiations with employees. [§89307(e)(1)]	May be used to consider matters relating to collective bargaining. [§89923]
Investments	No provisions.	Upon favorable majority vote, governing or sub-board may discuss investments where public a public discussion could have a negative impact on the organization’s financial situation. The final decision must be made in open session. [§89923]
Public Records & Confidentiality Privileges	None specified in Act.	No provisions.
Remedies	None specified in Act.	None specified.

Requirement	<i>Romero Act</i> (Student Body Organizations)	<i>Seymour</i> (Other Auxiliary Organizations)
Violations	Misdemeanor sanctions against any governing or sub-body member attending meeting when “action taken” with knowledge of violation of open meeting law requirements. [§89307.4]	Misdemeanor sanctions against any governing or sub-board member attending meeting when “action taken” with knowledge of open meeting law violations. [§89927]

- A. The California Attorney General has issued a series of consistent written opinions relating to secret ballots and semi-closed meetings by local and state governing bodies under both the *Ralph M. Brown Act* and *Bagley-Keene Act*. These appear analogous to the public policy purposes of *Romero* and *Seymour* and are of some predictive value in judging requirements for auxiliary organization governing boards. These opinions concluded that meetings could not be “semi-closed” where only certain interested members of the public were given access to the meeting.

(OpenMtgRequire.doc)